

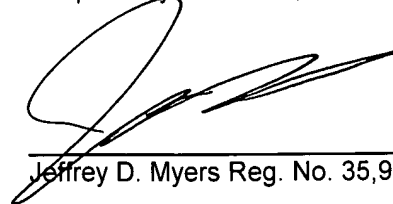
REMARKS

On August 31, 2004 the Board of Patent Appeals and Interferences affirmed the Examiner's rejection of Claim 29 under 35 U.S.C. § 112 and reversed the Examiner's position under 35 U.S.C. § 103. The indefiniteness rejection related solely to the last claimed element -- a paint brush holder attached to said container. The Board held that the tubular holder 82 is not attached to the can, construing the word "attached" as requiring a direct contact between the holder 82 and the can 18. Although applicant does not agree that this interpretation of the word "attached" is correct, for purposes of expediting issuance of the patent, applicant chooses to amend Claim 29 as set forth above. Specifically, applicant has added the phrase "connected through a member" thereby clarifying that holder 82 is attached not directly to the can 18 but is attached through the cylinder 80. That is, tubular holder 82 attaches to cylinder 80 which in turn receives can 18 as the Board explained at page 4 of the Decision on Appeal.

It is submitted that now the claim is definite since assuming that the word "attached" requires physical contact, cylinder member 80 is clearly an intermediate member between tubular holder 82 and can 18. That disclosure is unmistakable in Fig. 14.

It is thus respectfully submitted that Claim 29 overcomes the 35 U.S.C. § 112 rejection of the Examiner as affirmed by the Board and the claim is now in condition for allowance and the same is respectfully requested.

Respectfully submitted,



By:

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